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IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

2/17/23
1000 AM
16H7000

JEANETTA CRUMBY,

PLAINTIFF,

V.

CASE NO. 50-2023-CA001287XXXXMB

901 45TH ST WEST PALM BEACH
FLORIDA BEHAVIORAL HEALTH
HOSPITAL COMPANY, LLC,

DEFENDANT.

SUMMONS

THE STATE OF FLORIDA
TO EACH SHERIFF OF THE STATE

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the first amended complaint or petition in the above styled cause upon Defendant,

**901 45TH ST WEST PALM BEACH FLORIDA BEHAVIORAL HEALTH HOSPITAL
COMPANY, LLC**

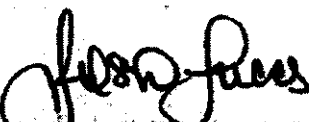
c/o R.A. CORPORATE CREATIONS NETWORK, INC.
801 US HWY 1, NORTH PALM BEACH, FL 33408

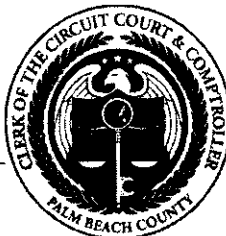
Each Defendant is required to serve written defenses to the complaint or petition on Frank Malatesta, Esq. plaintiff's attorney, whose address is

Malatesta Law Office
871 Venetia Blvd., Suite 235
Venice, FL 34285

within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

BY:


JOSIE LUCCE



DATED ON **Feb 16 2023**

Joseph Abruzzo
Clerk of the Circuit Court
as Deputy Clerk

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact William Hutchings Jr., MPA, PHR, the Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

"Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con William Hutchings Jr., MPA, PHR, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711."

"Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte William Hutchings Jr., MPA, PHR, k donatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711."

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: STANDING ORDER FOR
CASE MANAGEMENT FOR SUBMISSION
OF AGREED CASE MANAGEMENT PLAN FOR
CASES FILED ON OR AFTER APRIL 30, 2021

**STANDING ORDER FOR CASE MANAGEMENT AND SUBMISSION OF AGREED
CASE MANAGEMENT PLAN IN CIVIL CASES
IN THE FIFTEENTH JUDICIAL CIRCUIT FILED ON OR AFTER APRIL 30, 2021
(DCMSO)**

Pursuant to Florida Rule of Civil Procedure 1.200(a), Florida Rule of General Practice and Judicial Administration 2.545, and Administrative Order 3.107 entered by the Chief Judge of this Circuit, the parties are informed of the following information and procedures applicable to civil lawsuits filed in the Circuit Court on or after April 30, 2021:

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this Order with each Summons issued in this case. One copy of this Order is to be filed with the Clerk of the Circuit Court with proof of service.

2. **CIVIL CASE MANAGEMENT SYSTEM.** The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases. This Court has adopted a case management system to help meet those guidelines. In contested cases, the parties are required to participate in the case management system. The case management system requires early consultation and cooperation among the parties for the preparation and submission of an Agreed Case Management Plan and early involvement by the Court. The Agreed Case Management Plan requires the parties to identify a case track, confer in good faith and attempt to narrow the matters in controversy, identify the issues that require direct involvement by the Court, and establish a schedule for addressing those issues.¹ The Agreed Case Management Plan may be accessed at the Court's website at: <https://15thcircuit.com/civil-differentiated-forms-and-orders>.

Unless all of the Defendants have been served and have been defaulted or dropped, an Agreed Case Management Plan must be submitted to the assigned divisional queue via the Court's online scheduling system (OLS) as an attachment, in PDF format, to a proposed Order Accepting Agreed Case Management Plan on or before 130 days from the date of filing of the initial complaint. If the parties are unable to agree on an Agreed Case Management Plan by the applicable deadline, a


¹ Case Track options include Expedited, Streamlined, General, or Complex. Case Tracks have been established in order to comply with the case disposition standards set forth in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B).

case management conference will be scheduled by the Court or the Court will review and issue an Order Implementing Case Management Plan without agreement of the Parties. No matters that arise as a result of this standing order, including lack of agreement, will be set on the Court's Uniform Motion Calendar and will, instead, be settled by the Court either at the case management conference or via an Order Implementing Case Management Plan without agreement of the parties. If a case management conference is scheduled, attendance by trial counsel and those parties who are not represented by counsel is mandatory.

If all Defendants are served and defaulted or dropped, the Plaintiff will file the appropriate documentation to pursue a Default Final Judgment within 130 days of the filing of the complaint and Final Judgment is to be entered or set for hearing within 150 days of the filing of the complaint.

3. **MEDIATION/ALTERNATIVE DISPUTE RESOLUTION (ADR)**. ADR provides parties with an out-of-court alternative to settling disagreements. Mediation is a type of ADR wherein an independent third party attempts to arrange a settlement at a conference between the parties. The Court requires the parties to participate in Mediation prior to trial unless the parties agree to another form of ADR.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, on this 26 day of April, 2021.



15th JUDICIAL CIRCUIT
CLERK OF COURT

Administrative Circuit Judge

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

JEANETTA CRUMBY,

PLAINTIFF,

V.

CASE NO. 50-2023-CA-001287-XXXX-MB

901 45TH ST WEST PALM BEACH
FLORIDA BEHAVIORAL HEALTH
HOSPITAL COMPANY, LLC,

DEFENDANT.
_____ /

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, JEANETTA CRUMBY (hereafter, "Plaintiff"), by and through her undersigned counsel, and hereby files this Complaint against Defendant, 901 45TH ST WEST PALM BEACH FLORIDA BEHAVIORAL HEALTH HOSPITAL COMPANY, LLC ("Defendant") and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for damages in excess of \$50,000 exclusive of costs, interest, and attorneys' fees.
2. This action involves claims of whistleblower against Defendant and is brought by Plaintiff as a former employee (Florida Private Sector Whistleblower's Act "FWA", Fla. Stat. Ch. 448.101-105).
3. Plaintiff is a resident of Palm Beach County, Florida and is sui juris.
4. Defendant, a foreign limited liability company, is a psychiatric hospital with its principal place of business in Palm Beach County, Florida.

5. Venue is proper in Palm Beach County, Florida because Palm Beach Florida is where the cause of action accrued.

GENERAL ALLEGATIONS

6. Plaintiff was hired by Defendant as a Behavioral Health Technician on or about August 22, 2022.
7. Plaintiff arrived at her scheduled shift just after 7:00 pm EST on September 1, 2022.
8. During her shift, Plaintiff observed a coworker, Stephanie Wint, intentionally hitting a patient at the hospital under Defendant's care and supervision. The patient's initials are DWA.
9. This conduct violates § 825.102, § 381.026, and § 766.102, Florida Statutes.
10. Plaintiff objected to and refused to participate in Defendant's actual violation of law.
11. Plaintiff promptly notified Logan Schaff of Human Resources. Ms. Schaff referred the Plaintiff to Gina Dalessandro, Chief Nursing Officer.
12. Prior to the conclusion of her shift on September 2, 2022, Plaintiff communicated her objections to the abuse of DWA to Ms. Dalessandro.
13. Plaintiff was never interviewed about the abuse by the Defendant or DCF.
14. Upon information and belief, Defendant never documented the patient's abuse. No one interviewed Plaintiff regarding the abuse of a patient.
15. On September 6, 2022, Plaintiff was terminated for objecting and refusing to participate in the abuse of patient in actual violation of § 825.102, § 381.026, and § 766.102, Florida Statutes.

COUNT I: VIOLATION OF THE FLORIDA PRIVATE SECTOR WHISTLEBLOWER'S ACT "FWA"

16. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 15, as set forth above.
17. Section 448.103, Florida Statutes, provides a cause of action for any employee who has been the object of a retaliatory personnel action for objecting to or refusing to participate in any activity, policy, or practice of the employer which is in violation of a law, rule, or regulation. *See* Florida Statutes § 448.102-448.103.
18. The Plaintiff engaged in protected activity under the FWA when she objected to and/or refused to participate in actual violations of in violation of § 825.102 and § 381.026, and § 766.102, Florida Statutes.
19. As a direct result of Plaintiff's objections to such activities, policies, or practices which were in actual violation of one or more laws, rules, and regulations, Defendant took retaliatory personnel action against her as defined by the Act, in that it terminated Plaintiff's employment.
20. As a result of this retaliatory action by the Defendant, Plaintiff has suffered damages.

WHEREFORE, Plaintiff requests judgment against Defendant for violation of the FWA, including but not limited to:

- (a) compensatory damages for lost wages, benefits, and any other applicable remuneration;
- (b) other compensatory damages as permitted by law;
- (c) Reinstatement of the employee to the same position held before the retaliatory personnel action, or to an equivalent position or front pay in lieu of reinstatement;
- (d) Plaintiff's attorneys' fees and costs of this action, pursuant to Florida Statutes Section 448.104;

(e) injunctive relief prohibiting any further retaliatory action as provided under Florida Statutes § 448.103(2)(a); and

(f) any other such relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

21. Plaintiff hereby demands a trial by jury on all issues so triable.

February 15, 2023

Respectfully submitted,

/s/ Frank M. Malatesta, Esq.
FRANK M. MALATESTA, ESQ.
Florida Bar No.: 0097080
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Venice, FL 34285
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Attorney for Plaintiff